

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:

U. S. Patent No. 6,609,975 issued August 26, 2003

Applicants: Thomas E. SAWYER, et al.

Confirmation No. 6772

Serial No.: 08/918,944

Art Unit: 3714

Filed: August 25, 1997

Examiner: SAGER, M.

For: ELECTRONIC SYSTEM AND
METHOD FOR OPERATING AN INCENTIVE AUXILIARY GAME

Atty. Docket No.
6,609,975

**DECLARATION IN SUPPORT OF PETITION TO REINSTATE U.S. PATENT NO.
6,609,975**

I, Thomas H. Jackson, declare and say:

1. That I am a citizen of the United States of America, and I am presently with the PCT Law Group (Customer no. 75396), which firm currently holds power of attorney in pending patent matters for Ten Stix Gaming ("Ten Stix");

2. That my address at the PCT Law Group is 818 Connecticut Ave., NW; Washington, D. C. 20006 and my direct-in-dial telephone is (202) 293-3559;

3. That, upon information and belief, the PCT Law Group has been responsible for patent application preparation and prosecution for Ten Stix since approximately November of 2008;

4. That on February 8, 2010, I received an e-mail from Mr. Cranford requesting the status of the U.S. Patent No. 6,609,975 ("the '975 patent"). I learned of the expiration of the '975 patent for failure to pay the 3 ½ year maintenance fee when due by accessing the web site of the United States Patent Office. A true copy of Mr. Cranford's e-mail communication of

February 8, 2010, of approximately 1:15PM and of my reply of 2:25PM EST is attached as Exhibit 1, Jackson Affidavit;

5. That, in response to receipt of Exhibit 1 and learning of the expiration of the '975 patent, I reported to Mr. Cranford in Exhibit 1 that the '975 patent had expired September 24, 2007, for failure to pay (the 3 ½ year) maintenance fees when due. When Mr. Cranford learned of the expiration of the '975 patent, on or about February 8, 2010, Mr. Cranford authorized Mr. Jackson to conduct research into the existence of any documents or recollections of those involved in the prosecution of the application resulting in the '975 patent and to contact anyone maintaining any files related to the '975 patent or responsible for the payment of any maintenance fee for the '975 patent. Mr. Cranford has authorized me to provide true copies of Exhibit 1 for the purpose of furthering this Petition and does not waive his right to assert privilege regarding any communications between or among himself, myself, Mr. Wilburn Chesser and Mr. James Bindseil;

6. That, upon my return to the office after an unprecedented snow storm in the Washington, DC area in early February, 2010, I conducted a thorough search of the PCT Law Group Offices to locate any business records comprising any correspondence or patent file related to the prosecution of the above-identified application resulting in issuance of US 6,609,975 or to its expiration. I found no such file;

7. That I requested Mr. Cranford to diligently search for any business records of Ten Stix directed to the '975 patent. With Mr. Cranford's guidance as to the chain of any such business records, I further inquired of Mr. Wilburn Chesser, Esq., presently of Arent Fox LLP, if any such file was in the present possession of Arent Fox LLP;

8. That, on or about February 17, 2010, I further made inquiry of Mr. James Bindseil of Arent, Fox, LLP, to determine if any correspondence or file exists related to US 6,609,975, at any firm with which he was associated during the period of his handling Ten Stix patent application matters;

9. That, on February 16, 2010, I made further inquiry on behalf of Mr. Cranford and Ten Stix of CPA Global (formerly Computer Patent Annuities) and with Mr. Cranford's permission to determine if CPA Global could recover any business records related to the payment or lack thereof of a maintenance fee in re US Patent No. 6,609,975. An e-mail chain is attached as Exhibit 2 (Exhibit 2, Jackson Affidavit). Ms. Jennifer Lopez of CPA Global replied by e-mail of

February 23, 2010. Her e-mail indicates: "This case was added to our system on 15 June 2004.


First annuity was due on 26 February 2007. We sent 4 renewal notices to Ten Stix requesting instructions but we never received a reply so the case lapsed off our system. 1st renewal notice was sent: 22 Sep 2006 2nd notice sent: 22 Nov 2006 3rd notice sent: 22 Mar 2007 4th (final notice sent: 21 Jul 2007. In summary, Computer Patent Annuities transmitted four notices to Ten Stix and, never receiving a reply, allowed the patent to lapse; (Exhibit 2, Jackson Affidavit)

10. That, on or about March 11, 2010, I ordered from Landon IP, an IP service company in Alexandria, Virginia, a complete copy of the file wrapper for the application resulting in the '975 patent. Shortly thereafter, I distributed electronic copies of the '975 patent file wrapper to Mr. Chesser and to Mr. Bindseil for review and also personally reviewed the file wrapper. Upon review of the file wrapper, I discovered that a Notice of Patent Expiration issued September 24, 2007, and was addressed to Computer Patent Annuities. (Exhibit 3, Jackson Affidavit). This exhibit is the only evidence of any mailing of a Notice of Patent Expiration to anyone. I was unable to locate any other mailing of a Notice of Patent Expiration in the file wrapper except the one addressed to Computer Patent Annuities;

15. That I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application cited above or any patents issuing thereon.

Respectfully submitted,

By:



Thomas H. Jackson (29,808)

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Dated: April 12, 2010

Attachments: Exhibits 1-3, Jackson Affidavit